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7 Real Water

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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

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12 MICHELLE KARAJELIAN, TRACI ELLIS,
13 MINDY CHARUSARN on behalf of
14 themselves and all others similarly situated,

15 Plaintiffs,

16 v.

17 AFFINITY LIFESTYLES.COM, INC., d/b/a
18 REAL WATER
18 3773 Howard Hughes Pkwy
19 Suite 500S
19 Las Vegas, Nevada, 89169

20 Serve Registered Agent:
20 InCorp Service, Inc.
21 3773 Howard Hughes Pkwy
21 Suite 500S
21 Las Vegas, Nevada, 89169,

22 Defendant.

23 Case No. 2:21-cv-00465-JAD-EJY

24 **STIPULATION AND ORDER TO:**

25 **(1) WITHDRAW PLAINTIFFS' PENDING
MOTION FOR ENTRY OF DEFAULT
AGAINST AFFINITY
LIFESTYLES.COM, INC. d/b/a REAL
WATER (ECF NO. 17); AND**

26 **(2) GRANT AFFINITY
LIFESTYLES.COM, INC. d/b/a REAL
WATER AN EXTENSION OF TIME TO
ANSWER THE COMPLAINT (ECF NO. 1)
TO JULY 9, 2021**

27 Trial Date: None Set

28 **STIPULATION AND ORDER TO (1) WITHDRAW PLAINTIFFS' PENDING
MOTION FOR ENTRY OF DEFAULT AGAINST AFFINITY LIFESTYLES.COM, INC.
d/b/a REAL WATER AND GRANT AFFINITY LIFESTYLES.COM, INC., d/b/a REAL
WATER AN EXTENSION OF TIME TO ANSWER THE COMPLAINT TO JULY 9, 2021**

29 AFFINITY LIFESTYLES.COM, INC. d/b/a REAL WATER (hereinafter "Defendant") and
30 MICHELLE KARAJELIAN, TRACI ELLIS, MINDY CHARUSARN on behalf of themselves and
31 21322959.1:05472-0861

32 Case No. 2:21-cv-00465

33 **STIPULATION AND ORDER TO (1) WITHDRAW PLAINTIFFS' PENDING MOTION FOR ENTRY OF DEFAULT
34 AGAINST AFFINITY LIFESTYLES.COM, INC., d/b/a REAL WATER AND GRANT AFFINITY LIFESTYLES.COM, INC.,
34 d/b/a REAL WATER AN EXTENSION OF TIME TO RESPOND TO COMPLAINT BY JULY 9, 2021**

1 all others similarly situated (hereinafter "Plaintiffs") (collectively "the Parties"), by and through their
 2 respective counsel, hereby stipulate and agree that Plaintiffs will withdraw their pending Motion for
 3 Entry of Default Against Defendant (ECF No. 17). The parties further stipulate that Defendant shall
 4 have until July 9, 2021 to file an answer to Plaintiffs' Complaint (ECF No. 1).

5 **I. Reasons For Withdrawal of Motion for Entry of Default and the Requested
 6 Extension**

7 Plaintiffs filed their Complaint on March 22, 2021. *See* ECF No. 1. Defendant was served
 8 with the Complaint on April 14, 2021. *See* ECF No. 9. A response to the Complaint was due on May
 9 5, 2021. Plaintiff filed its Motion for Entry of Default (ECF No. 17) on May 27, 2021. Defendant
 10 was initially represented by the Law Firm of Thorndal Armstrong Delk Balkenbush & Eisinger, PC.
 11 Subsequently, the Law Firm of Wood, Smith, Henning & Berman, LLP was retained to represent
 12 Defendant on or about June 8, 2021-after the time to respond to the Complaint had expired and once
 13 Plaintiffs' Motion for Entry of Default (ECF No. 17) was already pending before the Court.

14 When the Law Firm of Wood, Smith, Henning & Berman, LLP was retained for Defendant,
 15 counsel reached out to Plaintiffs' counsel for an extension, which Plaintiffs' counsel graciously
 16 granted until July 9, 2021.

17 Since Defendant's counsel was unable to prepare a response to Plaintiffs' Complaint before
 18 they were retained, excusable neglect exists. *Clark v. Coast Hotels & Casinos, Inc.*, 130 Nev. 1164
 19 (2014) ("excusable neglect" applies to "instances where some external factor beyond a party's
 20 control affects the party's ability to act or respond as otherwise required").

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1 Accordingly, the Parties stipulate and agree that Defendant, AFFINITY
2 LIFESTYLES.COM, INC., d/b/a REAL WATER, shall have until July 9, 2021 to answer Plaintiffs'
3 Complaint filed on March 22, 2021. *See* ECF No. 1. Plaintiffs further agree to withdraw their
4 pending Motion for Entry of Default, ECF No. 17.

5 DATED: June 10, 2021

WOOD, SMITH, HENNING & BERMAN LLP

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By: /s/ Jason W. Williams

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Water

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